

### III. REMARKS

1. The response submitted on 17 August 2004 is repeated below as a submission included with a Request for Continuing Examination.

2. Applicants note that an authorization to charge a deposit account for additional claim fees and for a one month extension of time, as well as a blanket authorization to charge any fees to a deposit account was included on page 10 of the response submitted on 17 August 2004. Thus, the response included a constructive petition for an extension of time as set forth in MPEP 710.02(e).

3. Claims 1-21 remain in the application. Claims 1, 11, and 21 have been amended. Claim 22 is new.

4. Applicants respectfully submit that claims 1-21 are not anticipated by Bloebaum et al. (US 6,433,735, "Bloebaum").

Bloebaum fails to disclose or suggest that one or more reference points can be used to determine or predict signal phases of visible satellites of a GPS system, as recited by claims 1, 11, and 21.

Bloebaum discloses a mobile terminal, system and method for determining the geographic location of the mobile terminal. The mobile terminal comprises a positioning receiver which can be used to determine the position of the mobile terminal. To perform the positioning, the mobile terminal gathers identity information of the serving base station i.e. cell-ID. The mobile terminal or a server comprises a database in which a table exists for storing positioning data along with cell-ID.

Therefore when the cell-ID is known the database can be examined to find position data relating to the cell-ID. If such data is found, the position data related to the cell-ID can be provided to the positioning receiver which then performs the positioning. If no positioning data is found for the current cell-ID, the positioning receiver may request assistance information from other data sources or may perform the positioning without assistance data. When the positioning is performed, the position data can be stored into the database as position data relating to the cell-ID.

However, there is no disclosure in Bloebaum related to using one or more reference points to determine or predict signal phases of visible satellites of a GPS system. The term "visible satellites" means satellites which are above the horizon with respect to the wireless communication device.

At least for these reasons, Applicants respectfully submit that independent claims 1, 11, and 21, and dependent claims 2-10 and 12-20 are not anticipated by Bloebaum.

Claim 22 is new, depends from claim 1, and describes the signal phase of the positioning system as including one of a code phase, a bit phase, a subframe phase, a frame phase, or a Doppler shift. The cited art does not disclose or suggest this feature.


For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should

any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge Deposit Account No. 16-1350 for an additional \$310.00 for a total of a two month extension of time.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

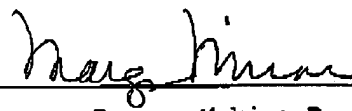
  
Joseph V. Gamberdell, Jr.  
Reg. No. 44,695

17 September 2004  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to 703-872-9306 on the date indicated below, addressed to Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450

Date: 9/17/2004 Signature:   
Person Making Deposit